IMPORTANT BILLS RELATING TO NEW-YORK-A NEW EXCISE BILL-SUPERINTENDENT SMYTH'S TRIAL. The bill providing for the retirement of aged and disabled policemen was passed in the Assembly. A resolution was passed by the Assembly asking the opinion of the At orney-General as to the constitutionality of the law creating the Board of Estimate and Apportionment. In the Senate a bill was introduced increasing the powers of the board. Senator Hopkins introduced a new Excise bill. A bill was introduced in the Assembly providing for the inspection of elevators. The trial of Superintendent Smyth was continued by the Senate; ex-Superintendents Parnes and Miller testified, and Mr. Hand summed up for the State and Mr. Peckham for the defence.

LEGISLATION FOR NEW-YORK. PENSIONING POLICEMEN - CONSTITUTIONALITY OF THE LAW CREATING THE BOARD OF ESTIMATE AND APPORTIONMENT-COST OF THE NEW-

YORK POLICE FOR FIVE YEARS. [FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE.] ALBANY, March 21.-The Legislature had a resemblance, to-day, to the likeness drawn of it by Gov-ernor Robinson in his message—a nigher Board of Aldermen for the City of New-York. In the Assembly, there moved about, chatting with members for several hours, Pulce Commissioners Smith and Wheeler and Commis-sioner of Accounts Mooney. It was natural that during their presence there should come up for con-sideration two important bills relating to New-York's welfare. One of them authorizes the viding for the cleaning of the streets by the small contract plan. Jackson 85 Schultz made a powerful argnment in favor of the bill, and severely criticised the method of street cleaning and disposing of the street refuse adopted by the Police Commissioners. Police Commissioner Smith replied to the criticisms, and said that the recent contract entered into to clean the streets was made in good faith by the contractor, which had been denied by Mr. Schultz. An argument in favor of the bill for equipping the New Museum of Natural History was made by John Taylor Johnston and Salem H. Wales. The bill was so modified as to permit the Board of Apportation meet so make an appropriation necessary for the Police Commissioners to retire upon a pension

asabled or aged police officers. The bill was passed. The Board of Estimate and Apportionment is receiv and more attention new-a-days than it can feel flattered by. Audacious persons have even questioned its right to levy taxes. To test this, Mr. Fish offered in the Assem-

bly the following resolution, which was passed:

Whereas, Serious doubts exist as to the constitutionality of the law creating the Board of Estimate and Apportionment in the City of New-York and the conferring upon it of the right to levy taxes and other legislative powers, and,

powers, and, Whereas, There are several measures before the As-sembly conferring additional powers upon the said board which should receive early consideration, there-

fore Resolved. That the Attorney-General be requested to give to this House his opinion as to the constitutionality of the law creating the Board of Estimate and Apportionment and its right to levy taxes.

This same Board of Estimate and Apportionment is considered in a very important bill presented to the Senate to-day, by Senator Ecclesine. The bill provides that there shall not be raised by tax upon the estates. real and personal, subject to taxation in the City of New-York, in and for the year 1879, or any subsequent year, an amount exceeding in the aggregate a sum equal to 235,100 per cent upon the valuation of such estates, fixed by the Commissioners of Taxes and Assessments for the said city for the year 1875. The bill then continues as follows:

The Board of Estimate and Apportionment of said

then continues as follows:

The Board of Estimate and Apportionment of said city, in addition to the powers now possessed by said board, are hereby empowered, when making up a flual estimate for each year, to reduce the number and regulate the salaries of all the officers, employes or other persons paid from the Treasury of said city, whose salaries are provided for by tax, other than such members of the indictary whose salaries are by the Constitution probability from being regulated during their terms of office, and also to regulate, fix and determine the sums to be applied and paid during any one year for any purpose as a charge in said city, whether the same is fixed by special laws or otherwise, excepting the proportion of the State taxes to be paid by said city and the amount required to be provided by law to pay or to be applied on account of any bonds or stocks of said city payable from taxition, not otherwise provided for, or the interest on the bonded debt of the city. In regulating said sainties, it shall be lawful for said Board of Estimate and Apportionment to fix the salaries of clerks and employes of any department of said city, by grading the same into different classes, and determine the number of said officers and employes to be paid salaries at rates so fixed in cach of said classes by said board.

It is also provided that all unexpended balances before 1876 shall now lapse into the Treasury, and further

fore 1976 shall now lapse into the Treasury, and further

The estimated revenues of the general fund, including The estimated revenues of the general fund, including interest on assessments, shall be carter in each year, before the final estimate is made, be certified by the Controller to the Board of Estimate and Apportionment, and the said board shall deduct the amount so certified from said final estimate, and only the amount of such estimate, after making such deduction, shall be certified by the Controller to the Board of Aldermen to be raised by tax. The said Board of Aldermen shall add to the amount so certified such sums, not exceeding 3 per cent thereof, as the said Controller, with the approval of the said Board of Estimate and Apportionment, shall certify to be necessary to provide for deficiencies in the actual product of the amount of taxes imposed and levied.

The Police Commissioners of New-York replied to-day to resolutions of the Assembly asking for information

to resolutions of the Assembly asking for information concerning the appropriations to the Department of Police for five years prior to 1878, and in relation to unexpended balances and transfers thereof. The tables showing these appropriations and balances are as Police Fund and Street Cleaning Appropriations.

1873	amining abstracts of these, except where the three with the box dependent with the Insurance Department, under the \$100,000 clause required under the registry law.  John A. McCall, Deputy-Supernstendent of Insurance, recalled by counsel for the people, knew of no charges made by counsel for the people, knew of no charges made by counsel to examine abstracts of titles during Mr. Chapman's term of office, except in one case—the Giobe Insurance Comodiny of Chicago.  At 1145 counsel for both sides and the evidence was all in, and each side having closed, the Senate thea directed that the summing up begin at 4 o'clock this afternoon.  The Scoute met at 4 p. m., when Senator Hughes offered a resolution that counsel be allowed one hour each, and that the Senate, in secret session next Tuesday at noon, shall not upon the question.  Senator Goodwin suggested making the day Thursday instead of Tuesday.  Senator Hughes said he would like the Senate to pass mpon this question as soon as possible. There were a thousand and one influences at work, and as for himself, he would like to be rid of it as soon as possible.  The Senate agreed to give each counsel one hour, and lad the rest of the resolution on the table.
The entire amount of appropriations received from	laid the rest of the resolution on the table.

To police fund ..... \$56,566 00 The entire amount of appropriations received from the Controller yearly to support the Police and Streetcleaning Departments was as follows :

For Police Fund, For Street Cleaning

.....\$1,000,000 | 1876 ..... 970,000 | 1877 ..... 800,000 |

## GENERAL LEGISLATION.

THE MERGING OF FIRE INSURANCE COMPANIES -A NEW EXCISE BILL-INSPECTION OF ELEVATORS. IFROM THE REGULAR CORRESPONDENT OF THE TRIBUNE.

ALBANY, March 21.-Insurance laws will surely be modified in some respects by the present Legislature. There have been a score of bills relating to insurance introduced, most of which have been received One of the proposed modifications was or dered to a third reading without opposition in the Assembly, to day. It was a bill authorizing the merging of fire insurance companies; introduced by Mr. Erastus Brooks. The merging of the companies is to be done in

aminers, through the Superintendent's connivance and abeltance.

The coansel then recited the requirements of the statute with reference to obtaining the signature of the controller, and referred to the evidence of President Knapp, of the Metropolitan Life Insurance Company, saying that Superintendent Smyth and Senator Harris had called at the office of the company together, and Harris presented his bill against the company. The Superintendent knew he was violating the law in every respect when he personally sanctioned the payment of this bill with no audit or indorsement on it. In the case of the bill of Waldo, Tobey, & Grover, the Superintendent was present in New-York apparently for the purpose of approving the bill as made out and presented to him by Senator Harris; thus he clearly and boldly showed his disregard of the law. In the case of ten other bills the name of the Superintendent was attached, and the amounts were paid directly by the company, instead of being paid by the State Treasurer on the warrant of the Controller, and the amount returned to the State Treasury by the insurance companies as required by the law. The charges, then, as far as they claim a violation of the law of 1873, are proven. He declared that the meanest criminal at the bar of justice is not allowed to plend the excuse of justification that he considered the law he had broken an unconstitutional law. Mr. Hand then proceeded to argue at length the considered the law he had broken an unconstitutional law. Mr. Hand then proceeded to argue at length the considered the law he had broken an unconstitutional law. Mr. Hand then proceeded to argue at length the considered the law he had broken an unconstitutional law. Mr. Hand then proceeded to argue at length the considered the law he had broken an unconstitutional law. Mr. Hand then proceeded to argue at length the considered to the company of the law of 1873, and said there was no clause in it in viciation of the Constitution of the company. Knox retains Senator Harris, paying him the Brooks. The merging of the companies is to be done in this manner:

The directors of any two such corporations may enter into and make an agreement under their respective corporate scals for the merging of one of said companies into the other, prescribing the terms thereof; the amount of capital and number of shares of the stock into which the same is to be divided, which capital shall not be larger in amount than the aggregate amount of capital of the two companies; and which agreement shall be subject to the approval of the Superintendent of the Insurance Department. Such agreement of the directors shall not be deemed to be the agreement of the sud corporations so proposing to merge one into the other, until the assent of two-thirds of the stockholders owning two-thirds of the stock of each of said companies so proposing to become merged into one, be obtained in writing, duly acknowledged before some officer competent to take acknowledgment of deeds. And when such agreement of the directors has been anctoned and approved by two-thirds of the stockholders of each of said companies and owners of two-thirds of the such agreement of the directors has been sanctioned and approved by two-thirds of the stockholders of each of said companies, and owners of two-thirds of the stock thereof, in the manner hereimbefore prescribed, then such agreement of the said corporations; and such assent in writing, or a duplicate thereof attached to the said agreement, sinal be the evidence of the assent of such stockholders.

Senator Hopkins introduced an excise bill of consider-

Senator Hopkins introduced an excise bill of consider-

able importance. Three commissioners, if the law passes, will be appointed in every county except Newpasses, will be appointed in every cousty except New-York by the Coart of Sessions. In New-York, the commissioners will be appointed by the Chief-Justice of the Superior Court, the Presiding Judge of the Court of Common Pleas and the Recorder of the city. The provisions of the proposed law, in respect to liquor seeling, are more strict than the law of 1857. Local option is made to apply to counties, instead of to towns. Liceuses are to be granted only upon the written application of the applicant, nor then unless the applicant makes an affidavit stating that he has not knowingly violated any provisions of the Excise Law during the previous year; nor then unless the Excise Commissioners are satisfied that he is of good character. No person is to have more than one license. Applicants are to give a bond of \$500 for the faithful performance of their contract with the Commissioners. Selling of strong liquors is confined to hotels, as at present. No debts for liquor are collectable at law. A fine of \$50 is to be imposed for every violation of the law, and the criminal is to be deemed guilty of a misdemeanor. Any person selling liquor without a license is to be punished to the same extent. No liquor is to be sold or given away on Sunday. Ale and beer seliers are required to give a bond for \$500 that they will not sell sny liquor except ale and beer. The selling of liquor to a drunkard is forbidden under a penalty of \$50. The adulteration of liquor is to be punished by a fine of \$250, and imprisonment for three months. The bill allows licenses to be transfered. Persons selling liquor to husbands after being forbidden to do so by wives are to be punished by a fine of \$50. Excise moneys are to be paid over within thirty days of their receipt. The fees of the Commissioners are to be \$1,500 per year. Power is given to revoke licenses. A person whose license is revoked is not to receive another within York by the Court of Sessions. In New-York, the com-

ing I the retainer paid Senator Harris by the New-York Life Insurance Company militates egalist Superintendent Smyth's Integrity; and said the counsel for the people did not insinuate that any part of the \$24,000 paid to Senator Tobey went to superintendent Smyth. He closed by asking the Senators to take the matter into scrious consideration, and answor whether John F. Smyth had done anything to warrant his removal and perpetual disgrace.

The Senate then adjourned, to meet at 10 o'clock Friday morning. three years. The Commissioners are compelled to give bends for the faithful performance of their duties. The recent terrible accident in the Grand Hotel, Paris, by the fall of an elevator, has led Assemblyman See-bacher to introduce a bill for the inspection of such kinds of apparatus in the City of New-York. The Fire Commissioners are directed to detail four competen firemen, to be known as inspectors of Elevators, to examme all elevators in the hotels, public buildings, stores,

offices and other buildings in New-York. The inspectors

are to report at least once a month to the Fire Commis

sioners the result of their investigations, "being partic

ular to state in detail whenever, in their opinion, an ele

THE COMMITTEES

ARGUMENTS RELATIVE TO NEW-YORK BILLS-NO EX-

CISE BILL TO BE REPORTED AT PRESENT.

[BY TELEGRAPH TO THE TRIBUNE.]

tee on Cities gave a hearing to-day on several of the most important bills affecting New-York City. Edward

Cooper made an excellent argument in favor of the Daiy

Charter, and John H. Strahan and O. B. Potter criticised

it. John J. Tawnsend opposed the passage of the bill

giving the Board of Apportionment power to reduce sal-

aries, and said he was not in favor of granting the board

any more power. Thatcher M. Adams explained the

bill, drawn up by the Council of Municipal Reform, pro-

viding for the cleaning of the streets by the small con-

ment to make an appropriation necessary for

useum. The Committee on Internal Affairs of the Assembly

voted in committee to-day not to report at present any of the Excise bills confided to it. This practically kills he bills.

THE SMYTH TRIAL

TESTIMONY OF EX-SUPERINTENDENTS BARNES AND

MR. PECKHAM FOR THE DEFENCE.

nation of any abstracts.

MILLER AS TO CHARGES FOR EXAMINING TITLES

FOR LIFE INSURANCE COMPANIES-ARGUMENT

OF MR. HAND FOR THE PROSECUTION AND OF

ALBANY, March 21 .- The Senate, this morn-

ing, resumed the trial of Superintendent of Insurance

John N. Whiting, counsellor, of New-York, was called

for the defence, and testined as follows: Had been engaged in the practice of law in New-York City for thirty

years; considered \$10 not too large a fee for the exami-

Cross-examined-Had not had much experience in

looking over real estate abstracts; in case the lawyers

baving charge of the abstracts did not give personal

attention to the abstracts, my opinion as to the value of

the service would be changed.

Mr. Barnes, ex-Superintendent of the Insurance De-

partment, was called by counsel for the people and

sworn : Had occasion during his ten years' experience

as Superintendent to have many examinations of com-

Q .- Did you ever hear companies make complaint of

losing money loaned on defective titles of real estate! Objected to by counsel for the accased. The President

decided the question could not be answered. The question was then submitted to the Senate, and it was de-

eided by a vote of 7 in the affirmative to 17 in the neg. ative to refuse to allow this line of evidence to be entered Q .- When you were Superintendent of the Insurance

Department, did you employ outside lawyers to make examinations of abstracts at the expense of the insarance companies! The President decided the question

could not be answered under the previous ralings of the

Superintendent Smyth was nearly the first officer who

ME. HAND'S AEGUMENT.

Mr. Hand, of counsel for the State, said the evidence was clear and plain against Superintendent Smyth. The

acts proved are a revoit against the laws of the State,

and warrant his removal. The acts of this officer were aided and abetted by one Senator; and when this fact is

anded and abetted by one senator; and when this late is remembered, it will be seen how difficult and delicate is the task of counsel for the State. The persistent and wilful violation by the Superintendent of the statute has been shown. Exorbitant sums of money have been taken from the insurance companies by lawyers and ex-aminers, through the Superintendent's conflivance and

the counsel then recited the requirements of the

MR. PECKHAM FOR THE DEFENCE. Mr. Peckham, of counsel for Mr. Smyth, said the case

is a most remarkable one-most important to Superin-

tendent Smyth. On his comi g into office, on e year ago,

he found a great doubt existing in the public mind as to

the financial soundness of life insurance companies. Un-

der this state of affairs, the Superintendent feit

der this state of affairs, the Superintendent feit that every company ought to be subject to an investigation. He believed his duty called upon him to go on with this work and he did so. Counsel gave a history of the legislation of 1873 and of 1877, which latter did not receive the sanction of the Governor, and said his Excellency did not thoroughly understand the question. Counsel then related the history of legislation with reference to insurance companies. The first law was passed in 1849. Then additional laws followed in 1850 and 1853, and in 1859 the Insurance Department was instituted. Counsel claimed that the law of 1873 is in direct violation of section No. 8 of the Constitution, which says no money shall be paid from the Treasury until an appropriation has been made. Counsel argued that the insurance companies bad a right to transact their business in their own way; denied that anything regard-

ALBANY, March 21 .-- The Assembly Commit-

A GENERAL CABLE LAW.

THE DRAFT OF ONE MADE BY MR. MONROE IN ular to state in detail whenever, in their opinion, an ele-vator may be deemed unsafe or may need repairs, what alterations or repairs are necessary in order to make such elevator perfectly secure, and the Commissioners shall thereupon notify to the owner or owners of the building in which said elevator is situated, that he or they must make the necessary re-pairs or alterations, in order to make such elevator safe. After the notice of the Commissioners shall be duly served, it shall be deemed a misdemeaner for any person to run the cievator complained of, until the same shall be repaired and pronounced safe by one of said in-spectors." RESPONSE TO PETITIONS FROM COMMERCIAL

WASHINGTON, March 21.-Numerous petitions have been presented to every recent Congress for permission to land ocean telegraphic cables on the coast of the United States. Many of these petitions have been presented by individuals or companies who had no intention of constructing such cables but who intended to sell their privileges when they secured them. Several concessions for land cables have been hawked about in London and other

European capitals.

At the opening of the present Congress, ap plications in the customary number were received, and simultaneously memorials from the six leading commercial cities, New York, Boston, Philadelphia, Baltimore, Cincinnati and St. Louis, were presented, signed by the most prominent merchants and business men who have occasion to use the cables, asking for the passage of a general law for the landing of cables. All bills and memorials on the subject introduced in the House were sent to the Committee on Foreign Affairs and by the committee referred to Mr. Monroe, of Ohio, as a sub-committee to make a report. Mr. Monroe has spent much time in making a thorough investigation of the subject. He has consulted with leading business men in the large commercial cities, with those interested in the present cables and with some of the most distinguished lawyers in the country; and he has drawn up a bill which has met with general approval, and will undoubtedly be agreed to by the full Committee on Foreign Affairs at its next meeting. It is believed that if this bill is adopted it will make unnecessary

all further legislation on the subject. The following is the text of the ball: He it enceted, etc., That all communication that may acreafter be established by any citizen of the United States, or any company, corporation or association reated under the laws of the United States, or of any tate of by any citizen. state, or by any citizens or subjects, or corporation company or association of any foreign country to between the United States and any foreign country to company or association of any foreign country, between the United States and any foreign country between the United States and any foreign country between the United States and any foreign country by means of any telegraphic or magnetic lines or cables laid in and over the waters, reefs, island shores, and and severations, to wit: (1) the United States, shall be subject to the following conditions, allphalous, and beservations, to wit: (1) the Government of the United States shall be entitled to exercise and enjoy the same privileges with regard to the centrol and use of any such line or cable as may, by law, agreement or otherwise, be exercised and enjoyed by any foreign Government whatever, (2.) Citizens of the United States shall enjoy the same privileges for the transmission of measures as are enjoyed by the citizens or subjects of the foreign country with which the communication is had, (3.) The transmission of dispatches of State under such regulations as may be agreed upon with the Governments interested, the rates not to exceed those contract for individual; secondly, dispatches on telegraphic services; and thirdly, private dispatches. (4.) The lines of any such cables shall be kept oight to the public for the duly transmission of insire and endanted and all messages, dispatches and communications shall be forwarded in the order in which they are received except as hereinsferor provided. (6.) Before extending and establishing any such line or cable in or over any waters, reefs, is and, shores or lands, within the jurisdiction of the Variet States, it witten acceptance of the terms and conditions imposed by this act shall be their the office of the Secretary of state by the parties, company, corporation or association proposing to establish telegraphe communication.

written acceptance of the terms and conditions imposed by this act shall be flied in the office of the Secretary of State by the parties, company, corporation or association proposing to establish telegraphic communication.

SECTON 2. That subject to the foregoing conditions, stipulations and reservations, and subject to the terms of such grants as have hererofore been made by Congress for laying and meditalizing telegraphic cables between the United States and foreign countries, the consent of Congress is hereby given to any person or persons who are citizens of the United States, and to any company, corporation or association created under the laws of the United States, or of any State of why any citizens, or subjects or company, corporation of association of any foreign country to lay, maintain and operate any telegraphic or magnetic line or lines, cable or cables between the United States and foreign countries, in and over the waters, recefs, islands, shores and lands, within the purishletion of the United State jurisdiction in and over the same.

SEC 3. That any person who shall disclose or in

superintendent Smyth was nearly the first officer who ever ordered examinations made of abstracts of titles held by companies. The Scante decided the question might be answered.—Ayes, 21; mays, 7.

A.—I did examine abstracts when I found them among the assets of insurance companies.

Cross-examined—Examined two life insurance companies during his term of other; interly-six companies in all were examined; only two examiners were appointed to make examinations of companies during his term of office. A.—I did examine abstrarts when I found them among the assets of insurance companies.

Cross-examined—Examined two life insurance companies during his term of office; inhely-six companies in all were examined; only two examiners were appointed to make examinations of companies during his term of office.

Redirect examination—The examiners witness appointed received from \$5 to \$10 a day; Messre. Uliman and Whiteleast were the examiners.

Georre W. Miller, ex-Superintendent of the Insurance Department, was called and sworn: During the three years he was Superintendent of the Insurance Department, was called and sworn: During the three is be deposited with the Insurance Department there were no expenses made to companies for examining abstracts of titles, except where the titles were to be deposited with the Insurance Department the second of the Court; and the party both at the observed in the second of the Court; and the party both at the observed in the second of the companies for examine abstracts of titles during the truly style shall have a right of action for damining abstracts of titles, except where the titles were to be deposited with the Insurance Department and the selection of the Court; and the party both at the observed of the companies for examine abstracts of titles during the companies of the

displaces between foreign coundies upon the high seas, shall, upon convictoa thereof in any District Court of the United
tates, he snoject to a fine not exceeding \$10,050, or to
aprisonment for a term not exceeding five years, or
oth at the discretion of the Court; and the owners of
sch injured or destroyed cable shall have a right of acon for damages against the person wilfully causing
ten injury or destruction.

The House Council.

The House Committee on Foreign Affairs discussed Mr. Manroe's bill, to-day, and will vote on it at its

## next meeting. NEW-JERSEY LIGISLATURE.

RECEPTION OF NEW-YORK LEGISLATORS-THE STATE PRISON REPORT RECOMMITTED-BILLS PASSED AND INTRODUCED.

FROM THE REGULAR CORRESPONDENT OF THE TRIBENE. TRENTON, March 21 .- The House felt the effects of the basquet given the delegation from the New-York Legislature last night, and transacted very little business. Mr. Mathews offered a resolution, which was adopted, that the Senate be invited to participate in the reception to the delegation from the New-York Legislature, and also accompany them to Philadelphia. The Senate, however, gently snubbed the House, and didn't go. The committee having in charge the banquet to the visiting New-Yorkers, for some un

explained reason, did not invite the Senate to partici-

pate. Tais will probably be remembered when the bill for several bundred dollars for the banquet comes be fore the Senate. At 9:45 the New-York visitors arrived upon the floor of the House and were received by the Members, standing. A recess of ten minutes was taken for the purpose of handshaking. The visitors were introduced by the Speaker in a brief speech, and responses were

ing. A recess of ten minutes was taken for the purpose of handshaking. The visitors were introduced by the Speaker in a brief speech, and responses were made by Messrs. Alvord and Grady. Soon afterwards the delegation was received by the Senate. The President welcomed the visitors, and, on motion of Mr. Sewell, took a recess for ten minutes, for the purpose of forming the personal acquaintance of the visitors. A bleasant mingling of the law-makers followed.

At 11 o'clock the members of the House and their guests proceeded to Philadelphia in a special train, to visit the Permanent Exhibition.

The report of the State Prison Committee relative to charges of cruelty in the management of the State Prison does not give satisfaction, and there are signs of a coming atom in both Houses, particularly over that portion of the report censuring the (Republican) Board of Inspectors for allowing what the report sets forth did not take place. In the Assembly Mr. Rue moved that the report be recommitted. Mr. Deacon oppessed, and Mr. Syces said that the committee desired to make some alteration. The motion was adopted. In the Senate, Mr. Moore, chairman of the committee, moved that the report on the State Prison investigation be referred back to the committee for amendments, and it was so ordered.

The act fixing the minimum price of convict labor in the State Prison at 50 cents per day, coming up in the Senate on its second reading, provoked considerable discussion and numerous amendments. The act fixing the minimum price of convict labor in the State Prison at 50 cents per day, coming up in the Senate on its second reading, provoked considerable discussion and numerous amendments. The act having the nominations of yesterday were confirmed, and also Harbor Masters at the Bay of New-York—John Geraghty and William Taylor—and a number of Foreign Commissioners.

The bill of senator kabe, requiring the Supreme Court to certify mandamus cases to the Court of Errors and Appeals instanter, instead of to the next the Bay of New York—

HOW DELFOSSE WAS CHOSEN

THE OFFICIAL CORRESPONDENCE. THE LETTERS CALLED FOR BY MR. BEAINE SENT TO THE SENATE-AN INTERESTING STORY.

The correspondence in regard to the appointment of a third commissioner to the Halifax Fisheries Arbitration, called for by Senator Blaine, was sent to the Senate yesterday. The letters are very numerous. It appears that the United States tried to secure the appointment of a third man by the United States and England conjointly, in accordance with the intent of the treaty. England consumed the time within which conjoint action was to be had, if at all, and then feli back on another provision of the treaty, by which the nomination was to be made by the Austrian Minister in London.

WHAT THE LETTERS SAY.

NEGLECT AND EVASION ON THE PART OF ENGLAND -DELFOSSE NOT CONTEMPLATED BY THIS COUN-

WASHINGTON, March 21.-In response to WASHINGTON, March 21.—In response to Senator Blaine's resolution, adopted by the Senate on the 14th inst., the President transmitted to that body, to-day, the correspondence with Great Britain relative to the selection of M. Delfosse, Minister from Belgium, as the third commissioner under the twenty-third article of the Treaty of Washington on the question of fisheries. SIX NAMES PROPOSED.

The correspondence is voluminous. It opens with a note to Sir Edward Thornton from Mr. Davis, Acting Secretary of State, dated July 7, 1873, in which Mr. Davis said that the necessary legislation to carry into effect the articles of the treaty of May 8, 1871, having gone into effect, it was necessary that the two Governments should agree upon a third commissioner on the fishery question. Mr. Davis said:

fishery question. Mr. Davis said:

In your conversations on the subject, which have taken place between Secretary Fish and yourself at various times for several months past, you will doubtless remember how decidedly be expressed his opinion that it would be better for both countries that they should agree upon the third commissioner if possible, and that in no event should any person be thought of in that capacity who is not thoroughly familiar with the English language. The Secretary is deeply impressed with the opinion that unless the two Governments can soon agree upon a third commissioner the arbitration will be carried over to another season.

In order to avoid such a confluence, Str. Edward

In order to avoid such a contingency, Str Edward Thornton was informed that this Government was willing to take the initiative, and Mr. Davis suggested to the British Minister the names of Marescal, the Mexicin Minister: Offenberg, the Russian Minister: Borges, the Brazilian Minister; Pole, the Spanish Minister; Noailles, the French Minister; and Barnhard, the Minister of the Netheriands, from whom to select, adding that the President would concur in the choice of any one of these gentlemen as the third commissioner, should Lord Granville be willing to intimate a preference. The Secretary omitted the name of Corti, the Italian Minister, who at that time was engaged in the execution of a similar trust under the treaty. It was supposed this might prevent his acceptance of the trust in relation to the fish eries, but Mr. Davis said that should be be willing to undertake it, and should Lord Granville prefer to name him, the President would concur in the nomination.
Sir Edward Thornton replied to Acting Secretary

Davis on the 16th of July, saying that he had tele graphed the tenor of Mr. Davis's note to Earl Granville on the day of its receipt, and had, since then, transmitted a copy of the note itself to his Lordship by mail. On the 26th of August, Sir Edward addressed Mr. Davis

note, saying:

As the matters which are to be considered by the Commissioners deeply concern the people of Camada As the matters which are to be considered by the Commissioners deeply concern the people of Canada, it was necessary to consult the Government of the Dominion upon a point of so much importance as the appointment of a third commissioner, and some delay in answering Mr. Davis's note was therefore unavoidable. I have, however, the honor to inform you that her Majesty's (invertment has received a communication from his Excellency, the Governme-Goneral of Canada, to the effect that the Government of the Dominion strongly objects to the appointment of any forcian Minister residing at Washington as third commissioner, and prefers to resort to the alternative proposed by the treaty, manely, to leave the homination to the Austrian Ambassader at London.

Secretary Fish replied to Sir Edward Thornton on the

Secretary Fish replied to Sir Edward Thornton on the

Secretary Fish replied to Sir Edward Thornton on the 6th of September, saying:

It is not distinctly stated in your note that her Majesty's Government has decided to relinquish the effort to select the third commissioner conjointly with the President, and to abandon the mode pointed out by the treaty for the appointment of the third commissioner, when less than two-thirds of the third commissioner. The secretary the proceeded to remind Sir Edward The Secretary then proceeded to remind Sir Edward.

part from an effort to concile in the folial helimination can templated by the treaty, on the grounds that local interterests for instance that of the disterner of Goucester) were opiosed to the frimary mode of filling the Commission introded by the treaty, magail well be regarded by Her Majesty's Government has departure from the letter and spirit of the treaty, and might justify it in remonstrating, and possibly in hesitating as to its future relations to such a commission.

It is noticed, however, with much satisfaction, that Her Majesty's Government has not expressed a determination to abandon the joint right of, nomination which the treaty reposes in Her Majesty; and the reference in your note to the expressed wishes of the Province of Canada is understood to be in explanation of the fact that so long a period of the three months within which the coupoint nomination was to be made had chapsed between the date and the acknowledgment of the note of the 7th of July. The Presudent is extremely anytous for the organization of the Commission as contemplated by the irreity, and it is carnestly hoped that within the remaining part of the three months allowed for a conjoint nomination Her Majesty's Government may flad it consistent with their vews, if not to make conice of one of the gentlemen proposed by the President, to propose some one or some others for his consideration.

MR. THORNION'S COUNTER SUGGESTION.

Sir Edward Thornton, on the 24th of September, ac dressed a note in reply to a former communication from Mr. Davis, in which he said that towards the end of the-June preceding he had the honor, in compliance with an instruction from Earl Granville, to luform Mr. Fish that as there was difficulty in finding a person to act as third Commissioner, Her Majesty's Government proposed that the Ministers of the United States and of Her Majesty at the Hague should be authorized to see if they could not agree upon some Dutch gentleman to act as third Commissioner who would be acceptable to bot's Govern ments. Sir Edward remarks :

Mr. Fish recently stated to me that as I had made this proposal verbaily, he had not looked upon it as an official communication. I have now been intrusted by Lord Granville to repeat the above mentioned proposa Lord Granville to repeat the above mentioned proposal to the United States Government in a more official form, and thave now the bonor, by means of this note, of inviting the United States Government to take it into consideration, and of expressing my hope that it may be able to agree to the proposal then made by Her Majestry's Government.

Mr. Fish replied to Sir Edward on the 30th of Septem-

ber, remarking, among other things:

Mr. Fish replied so Sir Edward on the 30th of September, remarking, among other things:

I am directed by the President to say that the plan for naming a third Commissioner thus proposed by Her Majesty's Government varies from the provisions of the treaty which has received the constitutional assent of the senate. The President, therefore, does not feel himself at liberty to enteriain a proposal which would require the conclusion of a new trenty in the constitutional form before the proposal could be assented to by the United States. It is deeply to be regretied that Her Majesty's Government has made no effort to comply with that provision of the twenty-third article of the treaty whereby it was agreed that the third Commissioner should be named by the President of the United States and Her Britannic Majesty coujointly, although the time within which the two Governments were to have made the joint nomination expired to-day; yet the fact that Lord Granville authorized so important a proposal to be made so close to the expiration of the period, induces one to believe that Her Majesty's Government may be disposed not to regard that fact as important, and that it may yet be willing to endeavor to carry into execution the manifest intent of the treaty. The President, therefore, still entertains the hope that the efforts which the United States has made in that direction will meet with a response from Her Majesty's Government.

pouse from Her Majesty's Government. Sir Edward Thornton replied, on the first of October. saying he should not fail to forward a copy of the Secretary's note to Earl Granville, but in the meantime he felt it to be his duty to express his conviction that Her Majesty's Government had made every effort to comply with the twenty-third article of the treaty whereby it was agreed that the third Commissioner should be named by the President of the United States and Her Britannie Majesty conjointly; proof of its desire had been given by the proposal which de had made that the Releins Minister at Washington should be appointed to the posi-tion, as also the proposal that the United States and British Ministers at the Hague should name a third Com-

Mr. Fish, October 3, replied to Sir Edward. He said he felt it to be his duty to recall to the recollection of Sir Edward some circumstances which were overlooked by lowed Sir Edward's statement. 'In the course of his long reply, Mr. Fish said, quoting from his diary :

I told Sir Edward that the proposition does not strike me favorably; that I will not either accept or decline until I have an opportunity of conferring with the Prest-

dent; that it is a very unequal proposition; that the Hague is within a few hours by post of London, and some twelve to sixteen days from here, and that if we should resort to the telegraph it would be very expensive, and all must pass through and be read in the British Post Office; that we could, therefore, have no confidential communication with our Minister, who was also comparatively a stranger in Holland, having been there relatively but a short time; and not speaking the language, has probably a not very extended acquaintance. I toid him that I must frankly say that I considered the proposition as one intended to be rejected, in order to throw the appointment on the Austrian Minister at London. He (Sir Edward) thought that the Eritish Government wished to avoid an appointment by the Austrian Minister.

The Secretary concludes by saying:

The efforts of this Government to carry into execution

The Secretary concludes by saying:

The efforts of this Government to carry into execution the provisions of the twenty-third article of the treaty, respecting the nomination of the third Commissioner by the President of the United States and Hier Britannic Majesty conjointly, have hitherto failed from no fault or negligence on its part. I close this note by renewing the statement that the President earnessly hopes that the two Governments may yet agree upon a third Commissioner. To secure this, be is willing to valve, if an agreement can be come to, any and all questions as to the time within which the joint nomination should be made, or as to the respective efforts of the two Governments in this respect.

Six Edward Thornton, in a communication to Secre-

Sir EdwardThornton, in a communication to Secretary Fish, Octoger 4, says he "must be allowed to re-peat his conviction that Her Majesty's Government has and as much at heart as that of the United States, and has used its best efforts to carry out the provisions of the treaty in this respect, as it has already proved its readiness to fulfil and has fulfilled at the earliest possible moment others of equal importance; if both Governments had so far failed with regard to the selection of a third Commissioner for the Fisheries Commission it was because each of them had found it impossible to point out a person who was acceptable to the other; in this respect Her Majesty's Government could not be accused of negligence any more than the Government of the United States."

ENGLAND PROPOSES THE ALTERNATIVE. In another communication to Mr. Fish, October 4, Sir

Edward says:

I am instructed to state that the auggestion from you that although the three months have expired the two Governments might still agree upon a turd Commissioner, appears to Her Majesty's Government to be, on the contarry, which provides that if the third Commissioner should not have been ammed within a period of three months from the date of the article taking effect, the nomination should then rest with the representatives of the Emperor of Austria and King of Hungary in London. Earl Granville has, therefore, directed inc to suggest to you that an agreement should be come to on an identic note to the Austrian Government, to be presented by the representatives of the two countries at Vicana, requesting that Government to authorize its Ambassador to proceed with the nomination.

Secretary Fish to Sir Edward Thornton says in conclusing a note dated October 31:

Secretary Fish to Sir Edward Thornton says in con-cluding a note dated October 31:

Being anable to perceive that any right of nomination has passed beyond the control of the two Governments, and believing that both the letter and spirit of the treaty intended that it should be exercised by them con-currently and notice delegated either by one or by both, I still entertain the hope that an effort may be made by Her Majesty's Government to agree upon a third Com-missioner in the spirit of the treaty and by the concur-rent appointment of the two Governments.

Sit Edward replied to Secretary Fish, by saying:

Sir Edward replied to Secretary Fish, by saying :

I have been instructed by Earl Granville to assure your it had been possible Her Majeaty's Government would have been glad to have met the views of the Government of the United States in this matter, but that after ment of the United States in this matter, but that after consultation with the proper law officers of the Crown, it is of the opinion that the terms of the twenty-third article of the Treaty of Washington are distinct and peremptory, and that the appointment of the third Commissioner now devolves upon the Austrian Ambassador at London. Her Majesty's Government, concurring with the law officers, does not think that the interpretation of the treaty given in your note can be maintained, nor does it understand how a third Commissioner can be appointed cotjointly by the two Governments without a new treaty, the article being explicit as to his appointment being left to the Austrian representative in London if not made within a certain date.

Mr. Fish informs Sir Edward Thornton, May S, 1876, that Ensign H. Kellorg, of Massachusetts, had been ap-

that Ensign H. Kellogg, of Massachusetts, had been ap. pointed Commissioner, and the Hon. Dwight Foster, of Sussachusetts, the agent on the part of the United States to the Commission at Halifax; and in the course

States to the Commission at Halifax; and in the course of his communication says:

While believing not only that it would have been more satisfactory had a nomination been agreed on by the two Governments, but that such was demanded by the two Governments, but that such was demanded by the solicit of the treaty, the United States do not propose to interpose obstacles in carrying out this article of the treaty on these grounds; and I shall be ready at any time to conter with you as to a form of an identic note to be addressed to the Austrian Government, in order to obtain the requisite permission that the representative of Austro-Hungary at Loudon may proceed to make an appointment pursuant to article 23 of the Treaty of Washington.

DELFOSSE APPOINTED. On the 20th of March, 1877, Secretary Evarts ad-

dressed the following note to Sir Edward Thornton : dressed the following note to Sir Edward Thornton:
Sii: Referring to the matter of the appointment of a third Commissioner for the Commission which is to meet at Hailfax, under the Twenty-third article of the Treaty of Washington, I have the honor to inform you that Mr. Pierrepont, the representative of the United States at London, has informed me by a dispatch over date of March o, that upon the first of March a form of identic note was agreed upon between numself and Lord Derby to be addressed to Count Buest, the Austrian Ambassa-been made of Mr. Delfosse, the Envoy Extraordinary and Minister Plempotentiary of the King of the Beigians at Washington.

t Washington. Mr. Pierrepont inclosed a copy of a note addressed to Mr. Pierrepont inclosed a copy of a note addressed to him by Count Buess, informing him that, in conforming with this article of the treaty he had mained Mr. Deifosse, and had also given notice thereof to the Government of Her Majesty the Queen, and to the Belgian Legation at London. I have this day addressed Mr. Deifosse, informing him of the substance of Mr. Pierrepont's dispatea, and forwarding to him a copy of the note addressed by Count Buest to Mr. Pierrepont; and should you deem it necessary that any other notice of the appointment should be conveyed to Mr. Deifosse, I shall be mappy to meet you for that purpose. Wit. M. EVARTS. Sir Edward repited as follows:

SIE: I have the honor to acknowledge the receipt of and to thank you for your note of yesterday's date, informing me of the appointment of Mr. Delfosse as thard against some to the Commission which is to meet at Haitax under the twenty-third article of the Treaty of Washforming the of the appointment of Mr. Deflosse as third Commissioner to the Commission which is to meet at Hairfax under the twenty-third article of the Treaty of Washington. I shall have the honor of calling upon you at the Department of State te-morrow, and of conforring with you with regard to any further arrangements which it may be necessary to make respecting the above mentioned Commission. I have, etc.,

EDWARD THORNTON,

COUNTY RETURNS FROM NEW-HAMPSHIRE

COMPARISONS WITH THE VOTE OF 1877-1,955 RE-

PUBLICAN MAJORITY IN THE COUNCILLOR DIS-TRICTS. The full vote of New-Hampshire for Gov-

ernor on the 12th inst. is given below by counties, with the vote cast in 1877. The totals are the same as those telegraphed on Wednesday. Every county in the State contributed to the Republican loss of 1,378 votes. The smallest loss (47) was in Carroll County, and the largest (284) was in Hillsborough County. The Democrats sustained a loss of 75 in two counties (43 in Coes and 32 Reckingham), but made gains in all the other counties. Their gains ranged from S in Sullivan to 504 in Hillsorough. The scattering vote fell off this year in Belknap, Cheshire, Hillsborough and Strafford Counties, but was increased in the other countles the net gain being 176 votes. Out of the scattering vote last year Asa S. Kendall (Pro.) received about 338 votes. Of the 573 scattering votes this year, 251 were for Mr. Kendall and 223 for Samuel Flint (Green.)

	-1×7×		1877		
Rep.	Dem.		Rep.	Denn.	
Counties. Prescott	McKean	Scat.	Prescott. Marcy. Scat		
Beiknap 1,936	2,262	202	2,006	2,252	35
Catrolt 1,970	2,669	13	2.017	2,553	9
Cheshire 3,757		48	3,925	2,668	71
Coos1,442	2,060	155	1,673	2.103	63
Grafton 4,577	4.959	12	4.677	4,852	11
Hilisborough, 7,016	6,800	58	7,900	6,296	67
Merrimack 5,549	5,582	36	5,599	5.417	33
Rockingham6,229	5.397	166	6,376	5.429	45
Strafford 3,845	3,417	41	4,036	3.194	48
Sullivan 2,456	1,965	22	2,546	1,957	15
	-	-			-
Total39,377	37,863	573	40,755	36,721	397
Majority 941			3,637		
The total vote !	for Com	ceillors	this we	ar to 77	872

is a trifle smaller than that cast for Governor, the Republican majority in the Districts is much larger than the majority for Governor. The majority this year is 1.955, against 2.835 in 1877. The Democrats carried the Vth District in both years. The returns for 1877 and 1878 are given below :

	1878					
Dist.	Rep.	Dem.	Scat.	Rop.	Dem.	Scat.
1	7,875	6,522	128	8,112	6,557	170
П	8.737	8,135	33	8,523	8,201	101
ш	7,524	5,884	9	7,558	5,591	55
IV	8.485	6,854	63	8,765	6,708	71
V*	7,193	9,886	174	7,426	9,923	202
Total.	39,814	37,281	578	40,414	36,980	599
Maj	1,955			2,835		
					346 Dem.	
					ad of Cou	

The latest figures show a Republican majority of 2 in the Senate and 40 in the House. Last year the Legislature was Republican by 73 majority on joint ballot.

WRECKS ON THE MASSACHUSETTS COAST. GLOUCESTER, Mass., March 21. - The

chooner Enterprise, Captain C. M. Perkins, of Wells Me., was driven on Squam Bar by the high wind last night, and will probably be a total loss. She is badly stove. The vessel had a mixed cargo of fish, eggs, and potatoes, and a deck-load of wood, for Boston. The eres off four men and three passengers were rescued by a life-boat from the station. BOSTON, Mass., March 21.—The schooner Nellie, Cap-tain Marr, from Calais, struck a rock in Broad Sound, last night, and was run ashore on Long Island to prevent sinking.

CHATHAM, Mass., March 21.—The schooner Highlander, of Waldoboro, with coal, hand to Salam

of Waldoboro, with coal, bound to Salem, went ashore at 2 o'clock this morning, on Shoneeful Sheal, and is now ful of water. The carge will be a total loss.

FIVE ERIE DECISIONS.

PARTIAL SUCCESS OF THE MCHENRY PARTY. JUDGES BRADY AND DANIELS DECIDE FIVE MOTIONS IN THE ERIE LITIGATION -- AN INJUNCTION DE-

NIED-ALLOWING BONDHOLDERS TO COME IN-THROWING OPEN THE BOOKS.

Five motions were decided in the Eric litigation yesterday, all substantially in favor of what is

yesterday, all substantially in Isvor of what is known as the McHenry party. Judge Brady denied an injunction against the prosecution of the suit by James McHenry and two others in Monroe County, James McHenry and two others in Monroe County, and Judge Daniels refused them leave to come into the main forelosure suit only because they had their remedy in the Monroe County suit. Judge Daniels held that three European second mortgage bondholders were entitled to be made parties to the main foreclosure suit. He also decided that unless the Farmers' Loan and Trust Company struck out the name of a judgment creditor from its complaint the decree in foreclosure must be set aside, and Judge Brady decided that the books relating to the last election of Eric officers must be thrown open to a stockholder.

POINTS OF THE DECISIONS.

The first of the five Eric motions which were The first of the live left mostons which were decided yesterday, was that of the Farmers' Loan and Trust Company against James McHenry, John H. Brown and Charles Frederic Evaus, to restrain the prosecution of the suit brought by them in Monroe County as holders of bonds under the first consolidated mortgage. The complaint in the Mouroe County suit alleged that the trust company, after beginning a suit to forelcose both the first and second consolidated mortgages, had shan-doned the foreclosure of the first mortgage, in the interest of those bondholders, who accepted the reconstruc-tion scheme, and continued the suit only on the second mortgage. The plaintiffs in the Monroe County suit. de fendants in regard to this motion, denounced the recon-struction scheme as unjust to those who did not accede to it, and oppressive to those who did, and asked the removal of the trust company as trustee, the appointment of a new trustee and the foreclosure of the first consolidated mortgage. The suit in which this motion was made was brought by the trust company to stay perpetually the Monroe County suit. The motion for the injunction was argued before Judge Brady, who has substantially decided that Mr. McHenry's suit in Mouroe County cannot be stayed in this action.

He gives a very careful and long opinion, in which passing by the questions as to the relations of Mr. Mc Henry and his associates to the Eric Railway Company as matters to be decided on the formal trial of the action, on evidence and not on affidavits, he holds that the McHenry action differs entirely from the other actions pending. It is in large part to remove the trust company from its position as trustee on charges of misconduct and neglect. The charges, if true, are sufficient to justily the relief demanded, and the plaintiffs in that suit have a right to test their truth or falsity on a trial. The defendant in the Monroe County suit would have an opportunity to present its defence, and its suit here was,

The suit of the trust company, Judge Brady continues, is essentially an injunction suit. It is not a cross action. No personal claim is made on Mr. McHenry and bis associates. The union of millions in advocacy of the scheme to which Mr. McHenry and others are opposed. is no answer to the proposition that the courts of this department should not interfere with and stay the prois no answer to the proposition that the courts of this department should not interfere with and stay the preceedings in an action "pending in another department and aimed at the very existence of the plaintiff, for any purpose connected with the active control of the Eric Railway Company or its property." If this were a motion to discharge an infunction against the trust company, the position of Mr. McHenry might properly be considered, but his merits are not involved in a question of his right to prosecute his action. It is enough that in his action he presents matters that the trust company would not present in its action. So man can be justly censured for essaying to enforce his supposed rigots in a court of justice. If he is mistaken, he will be muleted in costs, out he has a right to his day in court. A trustee who is impeached for neglect of duty should not be allowed to prevent the prosecution of an action of becoming plaintiff against its assailant, the very question being whether it has not lost all rights to be trustee.

"It may be, perhaps it is, unfortunate," added Judgs Brady, "that the action of McHenry and others was begun first, but that is one of the incidents of property held in common by numerous persons having similar rights. A majority of owners in interest, even in cases where that is a proper element of consideration in the controversy, does not always control in couris of justice, and one owner having a comparatively small share may demand and must receive the full consideration of his rights. This cannot well be gainsaid, and must be carried out as an element in the due administration of the law."

DENYING A MOTION TO BE ADMITTED. The plaintiffs in the Monroe County suit, James Mc-Henry, John H. Brown and Charles F. Evans salso made a motion to be admitted as defendants in the main forcelosure suit of the Farmers' Loan and Trust Company against the Eric Railway Company. Their avowed object was to enable them to object to the sufficiency of the foreclosure decree, and to contest the accounts of Receiver Jewett. This motion was argued before Judge Damels. The grounds of this motion were substantially the same as those of the Moarne County sun; though in this proceeding the plaintiffs enlarged on alleged mismanagement by the receiver and his alleged develon, to their injury, to the reconstruction scheme. Judge Damels demes their motion, because it is not shown that the sufficiency of their security will be in any respecting paired, or endangered if they are not allowed to assert their claims in the foreclosure suit. As to the reconstructions cheme postponing some payments, that scheme will only affect the parties to it and cannot out the petitioners, and even if their rights are in danger, their proper against the Erie Railway Company. Their avowed obers, and even if their rights are in danger, their proper emely would be an independent action in their own behalf. They would have a right to be made partier to be inreclosure suff, if their rights could not be secured a any other way, but such rights can be amply secured nine action which they have brought in Monroe County.

BONDHOLDERS ALLOWED TO COME IN. Albert DeBetz and Moritz Lewin Borehord, of Autwern and Jules Levita, of Paris, petitioned as holders of bonds under the second consolidated mortgage, to the amount of \$355,000, to come in as defendants in the main fore-

under the second consolidated mortgage, to the amount of \$355,000, to come in as defendants in the main fore-closure action, to attach the receiver's accounts and to set aside the toreclosure decree. Tals motion was heard before Judge Damels. It was opposed on the ground that the petitioner's either held none of the bonds which they claimed to hold, or that if they did hold any they held them solely as dir. Merkenry's agents.

Judge Dantels declares that, as the evidence appears, the reconstruction science seems intended, to a certain extent, rather for the protection of those assenting to it than for others interested in the assets of the company. Each owner of bonds has the right to exercise his own judgment as to what he thinks best, and if the conviction of the minority differs materially from that of the majority as to what is expedient that is to reason for depriving the minority of its rights. In as view which can be taken of the case as it has been presented on behalf of the applicants, would the Court be justified in denying the prayer of their petition. If these charges are not well founded, it is a duty to the paintiff as a trustee, to the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver, and to the majority who desire the success of the receiver and to the majority who desire the success of the receivers are to be made against the property, and that can only be done by nilowing them to become so far parties as to permit them to examine into the charges they make. He grants the prayer subject to their proving preliminarily that they own the bonds which they claim to own.

THE ZAGGEL AND FOWLER PROCEEDINGS. William Zaggel, an infant judgment creditor of the Eric Railway Company, in Buffalo, was made a deleg-dant in the main forcelosure suit. When the suit was changed from a suit to forcelose both consolidated metagares to a suit to forcelose only the second, neither happen his guardian ad laten received notice of the charge. He moved to set aside the decree of forcelosure for the irregularity, the counsel who had represented Mr. Metagares in the second of the charge. Henry in other suits adding his counsel on the motion. Judge Daniels decided that the decree must be set aside, and Zaggel allowed to put in an answer, unless within ten days his name be stricken from the compaint. If the latter alternative is accepted. Zagrel will be at liberty to enforce his juddrenet against the Eric Railway property, even after it is sold under forcelosure.

Isace S. Fowler, as a stockholder, claimed that the last election of Eric directors was carried by fraudelent proxies and demanded permission to examine the stock books and proxies to ascertain the truth as to the cleation. Judge Brady holds that such permission should be granted, but conflues the examination to the books, etc., in this district, and to such as will not interfere with the business of the corporation. Eric Railway Company, in Buffalo, was made a defet

NAVY ORDERS.

WASHINGTON, March 21 .- The United States steamer Enterprise, Commander G. C. Remy commanding at present, stationed at New-Orleans, is under order to proceed to the mouth of the Amazon Eiver, and, with to proceed to the mouth of the Amazon River, and, what the consent of the Brazilian authorities, to make a track survey of the Amazon and Madeira Rivers as he as navigable; then to touch the Island of San Briningo, and to remain there if the troubles prevailed there demand the presence of an American main-of-sign protecting our Consul and citizens, after which so a to return to Hampton Roads.

"OUR WICKED WORLD."—Scene—A clab smoking room.—Time—After dinner time. Breas (lively bachelor, to Jones, still more ditto, who has just entered): What, you here, Jones I This is, index "possing strange" Why, I quite understood the calling widow of Eaton-place monepolized your society guiarly every evening now I—Jones (putting up glass, and languidly): Yaas, Brown; genewally.—Brown: By the way, Jones, why you do the Benedict business—settle down, and are the charming widdy; plenty of tin, Pm told, make the charming widdy; plenty of tin, Pm told, make common nice woman I—Jones (dropping eye-glass, common nice woman I—Jones (dropping eye-glass, common size). Whe, at Marry Mrs. S., dear boy, marry Gwacious! Why, s'posing I did that; why, should I spend my evenings I—Judy.

A stout English gentleman, a visitor at a stout English gentleman and a stout English gentleman and a stout English gentleman a stout English gentleman and a stout English gentleman and

should I spend my evenings I—Judy.

A stout English gentleman, a visitor at a fashionable watering place on the west coast of solund, was in the habit of conversing familiary and a character of the place, who took a denght is unlist character of the place, who took a denght is unlist bonstingly of his great relations. One day, as the great relations. One day, as the great teman was sected at the door of his lodging, bonder came up driving a lat boar. "That is one of our restrictions, I suppose, you have gut with you, beneat, and the gentleman. "No," quietly reforred bonds, as he surveyed the proportions of his intersection, "no relation whatever, but just an acquaintance in yoursel"."